IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 17332 of 2006

DATE OF DECISION: 14.11.2006

Raj Kumar Bhagat ....Petitioner

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Suman Jain, Advocate for the petitioner.

J.S. Khehar, J. (oral)

The petitioner, on the basis of his representation dated 7.10.2005, required the respondents to reconsider his claim with regard to seniority, and on a redetermination of his seniority, to allow him consequential promotions. Since the petitioner's representation was not considered favourably, the petitioner has approached this Court by filing the instant writ petition.

In so far as the aforesaid prayer made on behalf of the petitioner is concerned, the same, in our view, is not only a misuse of the jurisdiction of this Court, but also smacks of grave irresponsibility. In this behalf, it would be pertinent to mention that the petitioner earlier approached this Court by filing CWP No.10060 of 2003. The aforesaid writ petition was dismissed on 13.12.2004. On the aforesaid date, the

following order was passed:-

"CWP No.10060 of 2003

Present: Mr.Sanjay Kaushal, Advocate

Mr.S.S.Behl, Addl. A.G. Punjab.

The cadre of the petitioner was fixed in the year 1993. The seniority list was finalized in the year 1996. The petitioner sat over his rights for the period of 7 years before filing the present writ petition. The writ petition is highly belated and cannot be entertained at this stage.

Dismissed.

sd/- S.S. Nijjar,
Judge
sd/- J.S. Narang,
December 13, 2004. Judge"

The petitioner's fate, in so far as his position in the seniority list, having been sealed by the aforesaid order dated 13.12.2004, it was not open to the petitioner to file a fresh writ petition in this Court, based on a representation made by him for alteration of his seniority position and consequential promotion within the Public Health Department.

In view of the factual position, noticed hereinabove, we decline to entertain the instant writ petition. The instant writ petition is dismissed with costs, which are quantified at Rs.5,000/-. The costs shall be paid by the petitioner to the Secretary, Legal Services Authority, Punjab, within two months from today, and a receipt thereof, will be placed on the record of this case within the time mentioned above. In case, no such receipt is placed on the record of this case within the time mentioned hereinabove, the Registry shall re-list this case for motion

hearing for recovery of the costs.

Disposed of accordingly.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

November 14, 2006.
vig